

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PRECISION FINANCING LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:19-cv-916 (AJT/IDD)
)	
SSAC, LLC <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on the Report and Recommendation [Doc. 28] (“Report”) of Magistrate Judge Ivan Davis (the “Magistrate Judge”). In the Report, the Magistrate Judge recommends that Plaintiff Precision Financing LLC’s Motion for Default Judgment [Doc. 20] be granted, that this Court enter a default judgment against Defendants SSAC, LLC (“SSAC”) and Andy Conger (“Conger”) (collectively, the “Defendants”) as to Counts I, II, III, IV, V, and VI of the Complaint [Doc. 1], and that this Court enter an order awarding Plaintiff direct damages in the amount of \$75,779.14 and, upon the submission of attorney affidavits, attorney’s fees and costs. Report at 11. The Magistrate Judge further advised the parties that objections to the Report must be filed within fourteen (14) days of service and that failure to object waives appellate review. *Id.*

On August 4, 2020, Plaintiff, in a written response to the Report, requested that the Court clarify that any default judgment should only be entered against SSAC. [Doc. 29] (“Response” or “Resp.”) at 1. In support, Plaintiff explains that the Clerk only entered a default judgment against SSAC [Doc. 17], Plaintiff only sought a default judgment against SSAC [Doc. 20], and that because of Conger’s personal bankruptcy, this action remains stayed as to Conger [Doc. 26].

Resp. at 1. Plaintiff further added that it “is no longer seeking attorneys’ fees and costs in this matter.” *Id.* at 2. Neither Defendant has timely-filed an objection to the Report.

On August 6, 2020, Plaintiff filed a Motion to Voluntarily Dismiss All Claims Against Defendant Conger. [Doc. 32] (“Motion” or “Mot.”). In its Motion, Plaintiff moved the Court, pursuant to Federal Rule of Civil Procedure 41(a)(2), to enter an order dismissing each of Plaintiff’s against Conger. Mot. at 1. In support, Plaintiff explained that its claims “against Defendant Conger have been discharged as part of the resolution of [Conger’s] personal bankruptcy proceeding, and [] Conger has not filed any counterclaims in this case.” *Id.* By Order dated August 6, 2020 [Doc. 34], this Court, finding good cause exists, granted the Motion and dismissed all claims asserted by Plaintiff against Conger with prejudice.

Against this background and after having conducted a *de novo* review of the record, the Court partially adopts and incorporates the findings and recommendations of the Magistrate Judge. In particular, the Court adopts the Magistrate Judge’s findings only to the extent they pertain to SSAC. Accordingly, it is hereby

ORDERED that the Report and Recommendation [Doc. 28] be, and the same hereby is, **ADOPTED** in part. The Report is adopted only to the extent the Court adopts the findings and recommendations made with respect to Defendant SSAC, LLC; and it is further

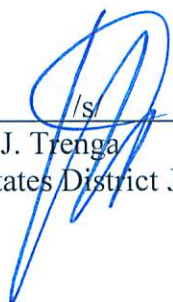
ORDERED that Plaintiff’s Motion for Default Judgment [Doc. 20] be, and the same hereby is, **GRANTED**; and it is further

ORDERED that default judgment be, and the same hereby is, **ENTERED** in favor of Plaintiff and against Defendant SSAC, LLC in the amount of **\$75,779.14** in damages.

This is a final order for purposes of appeal. To appeal, a Defendant must file a written Notice of Appeal with the Clerk of Court within thirty (30) days of the date of this Order. A

Notice of Appeal is a short statement stating a desire to appeal an order and identifying the date of the order the Defendant wishes to appeal. Failure to file a timely Notice of Appeal waives the Defendant's right to appeal this decision.

The Clerk is directed to enter judgment in accordance with this Order pursuant to Federal Rule of Civil Procedure 58, to forward a copy of this Order to all counsel of record, and to the *pro se* Defendant SSAC, LLC.



/s/
Anthony J. Trenga
United States District Judge

Alexandria, Virginia
August 10, 2020